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10/665,747	09/19/2003	Arnold J. Gum	030158	6972
23696	7590	04/10/2008	EXAMINER	
QUALCOMM INCORPORATED			DOAN, PHUOC HUU	
5775 MOREHOUSE DR.				
SAN DIEGO, CA 92121			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			04/10/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,747	GUM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PHUOC H. DOAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 March 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9, 11-32, 34-42 and 44-49 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9, 11-32, 34-42 and 44-49 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

**Claim 6**, claim recited as a “wherein the position information data related to apposition of the wireless access point is stored in a management information based as port of the wireless access point” was not supported by original specification. Because the access point can not stored in a management information, the access point is coupled to WLAN via a network connection to a computer network (See specification in page 5, par. [0024]).

Appropriate correction is required.

### ***Response to Arguments***

2. Applicant's arguments filed 03/11/08 have been fully considered but they are not persuasive.

Applicant argues, that the final rejection is improper based on the remarks, page 12.

In response, the Examiner agrees to withdraw the finality of the present rejection. However, the previously prior art are still applied of the rejection.

Applicant argues, The Examiner explains that Forrester does not disclose features of the claimed system but Blight does disclose these features. In doing so, however, the Examiner refers to non-existent claim language. Specifically, the Examiner states that "Forrester does not disclose **a mobile device communicated (sic) directly to Wireless Access Point**" but that "Blight discloses **a mobile device communicated directly to Wireless Access Point** (Fig. 1, col. 2, par. [0033])." The MPEP states that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art" (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)).

In response, on the remarks, page 17. The KSR has applied based on the Supreme Court decision on (KSR Int'l. Co., v. Teleflex, Inc. regarding the issue of obviousness under 35 U.S.C 103(a) when the claim recites a combination of elements of the prior art. Therefore, in formulating a rejection under 35 U.S.C 103(a) based upon a combination of prior art element, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined

the prior art elements in the manner claimed. Forrester discloses a wireless computer network transceiver configured to communicate with a network wireless access point which indicated **the service access point is present by WLAN** and the transceiver receiving data from the access point (see col. 2, par. [0016-0017]).

Applicant argues, Forrester does not show the combination of "a wireless telephone receiver" and " a wireless computer network transceiver".

In response, Forrester shows in Fig. 2, item 220 a transceiver which is a transmitter/receiver of a wireless telephone, and wireless computer network in Fig. 1, item 122.

Applicant argues, The Examiner fails to properly address the feature of "a position ... based on ... the communication signals from the base transceiver station" as recited in Claim 20. It is not clear from the Examiner's rejection what in Forrester or Blight discloses "a position ... based on ... the communication signals from the base transceiver station" and Applicant's Attorney is not able to determine what disclosure in Forrester or Blight discloses this feature of Claim 20. For this feature, the Examiner appears to cite Forrester at "(col. 3 through col. 4, par. [0033-0036])". Applicant's attorney does not see how the cited portions of Forrester disclose "a position determining entity to determine a position a position

... base on ... the communication signals." Rather Forrester describes a device using position assist information (i.e., AA and SA information) to shorten a time to acquire GPS satellites. In Forrester, the "BSC 110 can be configured to also transmit updated position assist information to device 102" (paragraph [0035]). Thus, the "AA and SA information allows device 200 to quickly, preferably in 2 seconds or less, acquire GPS satellites 104 in order to make a position determination" (Forrester at paragraph [0030]; see also, paragraph [0029]). That is, the position assist information (i.e., AA and SA information) provided by the BSC quickens a duration of time. In sum, the determined location is unchanged with or without the position assist information. Therefore, Forrester does not describe a determined position of a mobile communication device is based on the communications signals from the base transceiver station, but rather, a quicker way to get the same location information.

In response, Forrester shown in Fig. 1, item 108 is a BTS (base transceiver station) in associated with the wireless network system in paragraph. [0033-0036] to show entirely of wireless network to determine position of a mobile device based on the communication signals from the base transceivers station.

Applicant argues, Claim 20 recites "a position determining entity to determine a position of a mobile communication device based on ... the data received from the network wireless access point." Again, it is not clear from the Examiner's rejection what in Forrester or Blight discloses "a position ... based on ... the data received from the network wireless access point." Applicant's Attorney is not able to determine what disclosure in Forrester or Blight discloses this feature of Claim 20.

In response, Forrester shown in Fig. 1, item 108 will need to be replaced in the following description by the components associated with the particular system such as service access point in WLAN, which is mean in the WLAN network is required the access point based on the communication signal between mobile device and access point (See page 2, par. [0016]).

**Make a note:** Forrester shown in Fig. 1. the PDE 116, and GPS satellites 104 which the data received from the GPS satellite to support the mobile device 102 to defined or determine a position of mobile device based on the data received from the access point or BTS are exactly the same function of the original specification event how the claim language twist around, except Forrester does not show a display to display information data based on the determined position. Therefore, the Examiner show a summary based on the Applicant argument, the Examiner

address to specific point in a simple way to make the Applicant easy understand the prior art and the original specification.

In response to the argument pages 21-16, the Applicant almost repeats the same argument as address above, except Kratky. In combined with Forrester, and Blight , Kratky discloses a display to display non position information (page 2, par. [0026]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **20-24, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Forrester (US Pub No: 2003/0134646)** in view of **Blight (US Pub No: 2002/0184418)**

**As to claim 20, 28,** Forrester discloses a position determination system comprising: a global positioning system (GPS) receiver “**Fig. 2**” to receive data

from a plurality of GPS satellites “**Fig. 1, item 104**” (col. 3, par. [0025]); a wireless telephone receiver to receive communication signals from a base transceiver station (col. 1, par. [0015]); a wireless computer network transceiver configured to communicate with a network wireless access point (col. 2, par. [0016-0018]), the transceiver receiving data from the access point (col. 2, par. [0016-0017]); and a position determining entity to determine the position of the mobile communication device based on the data received from the GPS satellites (col. 2, par. [0020-0024]), the communication signals from the base transceiver station, if available with an acceptable error range, and the data received from the network wireless access point (col. 3 through col. 4, par. [0033-0036]). However, Forrester does not disclose a mobile device communicated directly to Wireless Access Point; if available with an acceptable error range and the data received from the network wireless access point.

In the same invention, Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par. [0033]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the WLAN in wireless communication as taught by Blight to the system of Forrester in order to addition a bandwidth of WLAN in reduced the traffic of GPS networks.

**As to claim 21,** Forrester further discloses the system of claim 20 wherein the position determining entity generates a weighted combination of at least two position data sources comprising data received from the GPS satellites (col. 2, par. [0020]), the communication signals from the base transceiver station (col. 2, par. [0018]), and the data received from the network wireless access point (col. 2, par. [0016-0017]).

**As to claim 22,** Blight further discloses the system of claim 21 wherein the weighted combination of at least two position data sources is based on predicted accuracy of the position data sources (col. 4, par. [0091]).

**As to claim 23,** Blight further discloses the system of claim 1 wherein the wireless computer network transceiver is configured for operation in accordance with IEEE 802.11 wireless network standards (col. 2, par. [0035]).

**As to claim 24,** Forrester further discloses the system of claim 1 wherein the displayed data based on the determined position is position information (col. 2, par. [0022], col. 3, par. [0025-0027]).

5. Claims **1-9, 11-13, 15-18, 25-26, 29-32, 34-42, and 44-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Forrester (US Pub No: 2003/0134646)** in view of **Blight (US Pub No: 2002/0184418)**, and further in view of **Kratky (US Pub No: 2003/0046158)**.

**As to claim 1, 29, 40,** Forrester discloses a position determination system comprising (Fig. 1): a wireless computer network transceiver configured to communicate with a network wireless access point (col. 1 through col. 2, par. [0015-0016]), the transceiver receiving data from the access point (col. 2, par. [0017]); and a display to display data based on the determined position (col. 2, par. [0021-0022]). However, Forrester does not disclose a mobile device communicated directly to Wireless Access Point, a display to display information data based on the determined position.

In the same invention, Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par. [0033]), a display to display information data based on the determined position (page 2, par. [0031]; page 3, par. [0046], [0083]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the WLAN in wireless communication as taught by Blight to the system of Forrester in order to addition a bandwidth of WLAN in reduced the traffic of GPS networks.

The combination of Forrester and Blight do not disclose a display to display non position information.

Kratky discloses a display to display non position information (page 2, par. [0026]). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to provide a display to display non position information as taught by Kratky to the combined system of Forrester, Blight in order to has a display the advertiser's location.

**As to claim 2, 30,** Forrester further discloses the system of claim 1 wherein the wireless computer network transceiver and the display are incorporated into a portable device and the position determining entity is located remote from the portable device (col. 2, par. [0022]).

**As to claim 3, 31, 41,** Blight further discloses the device of claim 1 wherein the wireless computer network transceiver is configured for operation in accordance with IEEE 802.11 wireless network standards (col. 2, par. [0035]).

**As to claim 4, 32, 42,** Forrester further discloses the device of claim 1 wherein the displayed data based on the determined position is position information (col. 2, par. [0022], col. 3, par. [0025-0027]).

**As to claim 5,** Blight further discloses the system of claim 4 wherein the position information is an address (col. 3, par. [0083] “**include a graphics map that is the data structure which contains the visual information about an area**”, and col. 5, par. [0119]).

**As to claim 6,** Blight further discloses the system of claim 1 wherein position data related to a position of the wireless access point is stored in a management

information base as part of the wireless access point, the displayed data “**col. 2, par. [0031] display 114**” based on the determined position being the position data of the wireless access point (col. 2, par. [0034], col. 3, par. [0083]).

**As to claim 7**, Blight further discloses the system of claim 6 wherein the position data is location data or an address of the wireless access point (col. 5, par. [0119]).

**As to claim 8**, Blight further discloses the system of claim 6 wherein the position data further comprises a predicted range of the wireless access point (col. 5, par. [0118], [0142]).

**As to claim 9**, Forrester further discloses the system of claim 1 wherein position data related to a position of the wireless access point is determined by a remote position determining entity (col. 2, par. [0022]), the displayed data based on the determined position being position data of the wireless access point as determined by the remote position determining entity (col. 2, par. [0022-0024]).

**As to claim 11, 34, 44**, Forrester further discloses the system of claim 10 wherein the non position information is information related to a store located proximate the determined position of the mobile communication device (col. 4, par. [0039]).

**As to claim 12, 35, 45**, Blight further discloses the system of claim 1 wherein the transceiver communicates a request to the wireless access point for non position information based on the determined position of the mobile communication device

(col. 4, par. [0101-0106]).

**As to claim 13,** Blight further discloses the system of claim 12 wherein the non-position information is a merchant identification associated with the wireless access point (col. 2, par. [0035] “it sends a request to location server 270 accessible through communications network 220”).

**As to claim 15, 36, 46,** Forrester further discloses the system of claim 1, further comprising a global positioning system (GPS) receiver to receive data from a plurality of GPS satellites (col. 2, par. [0024]), the position determining entity using the data received from the GPS satellites to determine the position of the mobile communication device (col. 2, par. [0020-0021]).

**As to claim 16, 37, 47,** Forrester further discloses the system of claim 15 wherein the position determining entity generates **a weighted combination “RF generated by weighted combination is inherently”** of the data received from the GPS satellites and data from the wireless access point to determine the position of the mobile communication device (col. 2, par. [0020-0021]).

**As to claim 17, 38, 48,** Forrester further discloses the system of claim 1, further comprising a wireless telephone receiver to receive communication signals from a base transceiver station, the position determining entity using the communication signals from the base transceiver station to determine the position of the mobile

communication device.

**As to claim 18, 39, 49,** Forrester further discloses the system of claim 17 wherein the position determining entity generates a weighted combination “**RF generated by weighted combination is inherently**” of the communication signals from the base transceiver station and data from the wireless access point to determine the position of the mobile communication device (col. 1 through col. 2, par. [0015-0019]).

**As to claim 25,** Kratky further discloses the system of claim 1 wherein the displayed data based on the determined position is non position information (page 2, par. [0026]).

**As to claim 26,** Kratky further discloses the system of claim 1 wherein the transceiver communicates a request to the wireless access point for non position information based on the determined position of the mobile communication device (page 2, par. [0026]).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester, Blight in view of Kratky as applied to claim 1 above, and further in view of **Pond (US Pub No: 2004/0030601)**.

**As to claim 14,** the combination of Forrester, Blight, and Kratky do not disclose wherein the transceiver communicates a request to the wireless access point for sales information or assistance in a store located proximate the determined position of the mobile communication device.

Pond discloses wherein the transceiver communicates a request to the wireless access point for sales information or assistance in a store located proximate the determined position of the mobile communication device (col. 10, par. [0122]). Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to provide a store located proximate as taught by Pond to the system of Forrester, Blight, and Kratky in order to used proximity technology to authenticated a network base transaction.

6. **Claim 19, 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester, Blight in view of Kratky as applied to claim 17 above, and further in view of **Gunnarsson (US Pub No: 2003/0118015)**.

**As to claim 19, 27,** the combination of Forrester and Blight do not disclose wherein the wireless telephone receiver is configured for code division multiple access (CDMA) operation and the communication signals from a base transceiver station are CDMA pilot signals.

Gunnarsson discloses wherein the wireless telephone receiver is configured for code division multiple access (CDMA) operation and the communication signals from a base transceiver station are CDMA pilot signals (col. 1, par. [0013]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a base transceiver station are CDMA as taught by Gunnarsson to the system of Forrester, Blight and Kratky in order to has an option to used WLAN and CDMA for wireless communication.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VINCENT HARPER can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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04/01/08

Application/Control Number: 10/665,747  
Art Unit: 2617

Page 18